

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1415

Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Chan, Goldberg, and Hancock)
(Coauthor: Senator Figueroa)

February 22, 2005

An act to amend Section 25214.8.1 of, to amend the heading of Article 10.2.1 (commencing with Section 25214.8.1) of Chapter 6.5 of Division 20 of, *and* to add Sections 25214.8.3 and 25214.8.4 to, ~~and to add Article 10.2.2 (commencing with Section 25214.8.5) to Chapter 6.5 of Division 20 of,~~ the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1415, as amended, Pavley. Hazardous waste: mercury relays and switches: lead jewelry.

(1) Existing law prohibits, on and after January 1, 2006, a person from selling, offering to sell, or distributing for promotional purposes, in this state, a mercury-added thermostat, as defined, unless the mercury-added thermostat meets specified criteria. A violation of the hazardous waste control laws is a crime.

This bill would prohibit a person from selling, offering to sell, or distributing for promotional purposes in this state, certain mercury-added products, unless the use of the product is required under a federal law or federal contract specification or if the only mercury-added component in the product is a button cell battery.

The bill would also prohibit a person from selling, offering to sell, or distributing for promotional purposes in this state, a mercury switch or mercury relay, as defined. The bill would exclude from this

prohibition a switch or relay, as specified, that was in use prior to January 1, 2007, and a mercury switch or mercury relay if use of the switch or relay is required under federal law or federal contract specification.

~~(2) Existing law prohibits the manufacture, process, importation, sale, delivery, holding for sale, supplying, or offering for sale in this state any tableware that releases a level of lead or cadmium in violation of specified standards.~~

~~This bill would prohibit a person, on and after January 1, 2007, from advertising, selling, offering to sell, or distributing for promotional purposes in this state, or importing into the state, jewelry, as defined, that contains more than a specified amount of total lead.~~

~~3—Since the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 10.2.1 (commencing
2 with Section 25214.8.1) of Chapter 6.5 of Division 20 of the
3 Health and Safety Code is amended to read:

4

5 Article 10.2.1. Mercury-Added Thermostats, Relays,
6 Switches, and Measuring Devices

7

8 SEC. 2. Section 25214.8.1 of the Health and Safety Code is
9 amended to read:

10 25214.8.1. (a) The Legislature finds and declares all of the
11 following:

12 (1) Once mercury is released into the environment it can
13 change to methyl mercury, a highly toxic compound. Methyl
14 mercury is easily taken up in living tissue and bioaccumulates

1 over time, causing serious health effects, including neurological
2 and reproductive disorders in humans and wildlife. Since
3 mercury does not break down in the environment, it has become
4 a significant health threat to humans and wildlife.

5 (2) Due to the bioaccumulation of mercury and other
6 contaminants in fish, the California Environmental Protection
7 Agency has issued a warning advising that adults and women
8 who are pregnant or who may become pregnant should limit their
9 fish intake from several state waterways.

10 (3) Increasingly stringent mercury discharge limits for
11 wastewater treatment plants make the identification and
12 elimination of unnecessary sources of mercury a critical task,
13 because the cost of mercury removal at a wastewater treatment
14 plant is far greater than the societal benefits of continuing use of
15 mercury containing products, as currently formulated.

16 (4) *Thermostats and other switches and relays* are among the
17 largest remaining sources of mercury in consumer products that
18 can be legally sold in California.

19 (5) Most thermostats contain 3,000 milligrams of mercury and
20 have a 35-year lifespan.

21 ~~(6) Mercury thermostats are hazardous waste when discarded,~~
22 ~~and on and after January 1, 2006, all mercury thermostat wastes~~
23 ~~will be prohibited from disposal in a solid waste landfill under~~
24 ~~the regulations adopted pursuant to this chapter.~~

25 ~~(7) Economical alternatives to mercury thermostats, relays,~~
26 ~~switches, and measuring devices are available for commercial~~
27 ~~and residential applications.~~

28 (6) *Many other mercury-containing switches hold up to 4*
29 *grams of mercury, and mercury-containing relays hold as much*
30 *as 153 grams.*

31 (7) *Esophageal dilators contain as much as two pounds of*
32 *mercury.*

33 (8) *Mercury thermostats, switches, relays, measuring devices,*
34 *esophageal dilators, and gastrointestinal tubes are hazardous*
35 *waste when discarded, and on and after January 1, 2006, all*
36 *mercury thermostat, switch, relay, measuring device, esophageal*
37 *dilator, and gastrointestinal tube wastes will be prohibited from*
38 *disposal in a solid waste landfill under the regulations adopted*
39 *pursuant to this chapter.*

1 (9) *Economical alternatives to mercury thermostat, relays,*
2 *switches, measuring devices, esophageal dilators, and*
3 *gastrointestinal tubes are available for commercial and, when*
4 *applicable, residential applications.*

5 (b) For purposes of this article the following definitions shall
6 apply:

7 (1) “Mercury-added product” means any product or device
8 that contains mercury.

9 (2) “Mercury-added thermostat” means a product or device
10 that uses a mercury switch to sense and control room temperature
11 through communication with heating, ventilating, or
12 air-conditioning equipment. A mercury-added thermostat
13 includes thermostats used to sense and control room temperature
14 in residential, commercial, industrial, and other buildings but
15 does not include a thermostat used to sense and control
16 temperature as part of a manufacturing process.

17 (3) “Mercury relay” means a mercury-added product or
18 device that opens or closes electrical contacts to effect the
19 operation of other devices in the same or another electrical
20 circuit. “Mercury relay” includes, but is not limited to, mercury
21 displacement relays, mercury wetted reed relays, and mercury
22 contact relays.

23 (4) “Mercury switch” means a mercury-added product or
24 device that opens or closes an electrical circuit or gas valve.

25 (A) A mercury switch includes, but is not limited, to mercury
26 float switches actuated by rising or falling liquid levels, mercury
27 tilt switches actuated by a change in the switch position, mercury
28 pressure switches actuated by a change in pressure, mercury
29 temperature switches actuated by a change in temperature, and
30 mercury flame sensors.

31 (B) A mercury switch does not include a mercury-added
32 thermostat.

33 SEC. 3. Section 25214.8.3 is added to the Health and Safety
34 Code, to read:

35 25214.8.3. (a) Except as provided in subdivision (b), a
36 person shall not sell, offer to sell, or distribute for promotional
37 purposes in this state, any of the following mercury-added
38 products:

39 (1) A barometer.

(2) An esophageal dilator, bougie tube, or gastrointestinal tube.

(3) A flow meter.

(4) A hydrometer.

(5) A hydrometer or psychrometer.

(6) A manometer.

(7) A pyrometer.

(8) A sphygmomanometer.

(9) A thermometer.

(b) Subdivision (a) does not apply to the sale of a mercury-added product if the use of the product is required under a federal law or federal contract specification or if the only mercury-added component in the product is a button cell battery.

SEC. 4. Section 25214.8.4 is added to the Health and Safety Code, to read:

25214.8.4. (a) Except as provided in subdivisions (b) and (c), a person shall not sell, offer to sell, or distribute for promotional purposes in this state, a mercury switch or mercury relay individually or as a product component.

(b) Subdivision (a) does not apply if the switch or relay is used to replace a switch or relay that is a component in a larger product in use prior to January 1, 2007, and one of the following applies:

(1) The larger product is used in manufacturing.

(2) The switch or relay is integrated in and not physically separate from other components of the larger product.

(c) Subdivision (a) does not apply to the sale of a mercury switch or mercury relay if use of the switch or relay is required under federal law or federal contract specification.

~~SEC. 5. Article 10.2.2 (commencing with Section 25214.8.5) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:~~

~~Article 10.2.2. Lead-containing Jewelry~~

~~25214.8.5. (a) For purposes of this article, "jewelry" means an ornament worn by a person on the body, including but not limited to, a necklace, bracelet, anklet, earring, locket, pendant, charm bracelet, ring, pinky ring, chain, broach, pin, lapel pin,~~

1 head band, watch band, or any pendant, bead, chain, link, or
2 component thereof.

3 ~~(b) On and after January 1, 2007, a person shall not advertise,~~
4 ~~sell, offer to sell, or distribute for promotional purposes in this~~
5 ~~state, or import into the state, jewelry that contains more than 200~~
6 ~~parts per million total lead.~~

7 ~~SEC. 6.~~

8 *SEC. 5.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.